

## **REMARKS**

In the Office Action dated March 7, 2005, claims 1, 3-8, and 10-20 were presented for examination. In the Office Action Summary, an objection was indicated with respect to claims 7 and 18 as containing informalities. Claims 14, 16, and 17 were rejection under 35 U.S.C. §101. Claim 1, 3-8, 10-13, and 18-20 were rejected under 35 U.S.C. §112, second paragraph. Claims 1, 3-5, 7, 8, 10-13, and 14-20 were rejected under 35 U.S.C. §102(e) as being anticipated by *Kitamura et al.*, U.S. Patent No. 6,816,948. Claims 1, 8, 14, 15, and 18 were rejected under 35 U.S.C. §102(e) as being anticipated by *Hubis et al.*, U.S. Patent No. 6,343,324. Claims 1, 8, 14, 15, and 18 were rejected under 35 U.S.C. §102(e) as being anticipated by *Imamura*, U.S. Patent No. 6,453,369.

The following remarks are provided in support of the pending claims and responsive to the Office Action of March 7, 2006 for the pending application.

### **I. Objection to Claims 7 and 18**

In the Office Action dated March 7, 2006, the Examiner assigned to the application objected to claims 7 and 18 as containing informalities. More specifically, the phrase “the computing environment” in claim 7 was suggested to be amended to “ the computer environment”, and the word “node” in line 2 of claim 18 should be plural. Applicants have amended both claims 7 and 18 to accept the Examiner’s suggestions. Accordingly, Applicants respectfully request that the Examiner remove the objection.

### **II. Rejection Under 35 U.S.C. §101**

In the Office Action dated March 7, 2006, the Examiner assigned to the application rejected claims 14, 16, and 17 under 35 U.S.C. §101. More specifically, the Examiner suggested that the broadness of a “computer-readable medium” read in conjunction with the language in the specification may enable the claim to read on non-statutory subject matter. Applicants have amended to the paragraph beginning on Page 3, line 3 of the Specification to remove the language “signal bearing”. Accordingly, Applicants hereby request removal of the rejection

under 35 U.S.C. §101.

### **III. Rejection Under 35 U.S.C. §112, second paragraph**

In the Office Action dated March 7, 2006, the Examiner assigned to the application rejected claims 1, 3-8, 10-13, and 18-20 under 35 U.S.C. 112, second paragraph.

More specifically, the Examiner raised a concern with the language “said storage media” in line 3 of claim 1. Applicants have amended the preamble of claim 1 to recite “shared storage media”, as suggested by the Examiner. The Examiner also raised an issue with the language “accessing said storage media . . . in response to said access rights” in claim 1. Applicants have amended this clause to read as follows: accessing said storage media by one of said nodes according to said access rights.

With respect to claim 10, the Examiner raised an issue with the language “access manager is responsive” similar to that raised in claim 1. Applicants have amended this clause to read as follows: provides access to said storage media in response.

With respect to claim 18, the Examiner raised an issue with the language “vendor” and “product” and is requiring Applicants to be more specific. Applicants have amended claim 18 to recite “vendor number” and “product number” where appropriate. In addition, the Examiner raised an issue with the use of the term “responsive” in this claim. Applicants have amended the term “responsive” and replaced it with the term “according”. Accordingly, in view of the amendments to claims 1, 10, and 18, Applicants respectfully request that the Examiner remove the rejection under 35 U.S.C. §112, second paragraph.

### **IV. Rejection Under 35 U.S.C. §102(b)**

In the Office Action of March 7, 2006, the Examiner assigned to the application rejected claims 1, 3-5, 7, 8, 10-13, and 14-20 under 35 U.S.C. §102(e) as being anticipated by *Kitamura et al.* (‘948).

The remarks to *Kitamura et al.* ('948) made in the Response to the First Office Action are hereby incorporated by reference.

In the Office Action dated March 7, 2006, the Examiner specifically notes that “host 2 can be considered associated storage media”. Second Office Action, page 6. It appears that the Examiner is concerned with the broadness of the claim language and specifically with the term “associated storage media”. Applicants have amended claims 1, 8, 14, and 18 to remove or define the term associated storage. Hosts 1, 2, and 3 of *Kitamura et al.* communicate across a network 6, and can each access a disk 41 through a fiber channel switch 5. However, *Kitamura et al.* does not teach shared storage media in the host 2. Rather, *Kitamura et al.* shows host 2 as containing an application program (211), a client program (212), and an operating system (213). It can only be assumed that these elements are stored somewhere on each host’s local media. However, there is no teaching that such elements are necessarily shared storage media as claimed by Applicant in amended claim 1.

With respect to claims 4, 11, and 19, each of these claims pertain to indication that the type field indicate node-ownership of the storage media, *i.e.* shared storage media. In the Office Action dated March 7, 2006, the Examiner states “the type field does not indicate that the storage media is node-owned”. See pages 7, 9, and 10. This is the only statement provided by the Examiner with respect to these claims, and it is not clear what the purpose is for the rejection. Applicants are claiming that the type field indicates the storage media is node-owned. Support for this element can be found in the Specification on page 6, lines 10-11. It appears that the Examiner is stating that the device ID of the *Kitamura et al.* patent is equivalent to the type field of Applicants, but the device ID does not indicate node ownership of storage media. In fact, there is no support in *Kitamura et al.* pertaining to node-ownership of any of the shared storage media. Accordingly, based upon the statement by the Examiner, Applicants hereby request that the rejection of claims 4, 11, and 19 under 35 U.S.C. §102(e) be removed.

With respect to claims 5, 12, 17, and 20, each of these claims pertains to the type field indicating cluster-ownership of the storage media, *i.e.* shared storage media. In the Office Action

dated March 7, 2006, the Examiner states “the type field does not indicate that the node is cluster owned”. See pages 7, 9, and 10. This is the only statement provided by the Examiner with respect to these claims, and it is not clear what the purpose is for the rejection. Applicant is claiming cluster ownership of storage media, not cluster ownership of a node. It appears that the Examiner may have misinterpreted the claim language. Applicants are claiming that the type field indicates the storage media is cluster-owned. Support for this element can be found in the Specification on page 6, lines 10-11. It appears that the Examiner is stating that the device ID of the *Kitamura et al.* patent is equivalent to the type field of Applicants, but the device ID does not indicate cluster ownership of storage media. There is no support in *Kitamura et al.* pertaining to cluster-ownership of any of the shared storage media. In fact, there is no mention in *Kitamura et al.* that the nodes are organized in a cluster structure. As such, there can not be cluster ownership of the storage media. Accordingly, based upon the statement by the Examiner, Applicants hereby request that the rejection of claims 5, 12, 17, and 20 under 35 U.S.C. §102(e) be removed.

#### **V. Rejection of Claims 1, 8, 14, 15, and 18 Under 35 U.S.C. §102(e)**

In the Office Action of March 7, 2006, the Examiner assigned to the application rejected claims 1, 8, 14, 15, and 18 under 35 U.S.C. §102(e) as being anticipated by *Hubis*, U.S. Patent No. 6,343,324.

As noted by the Examiner, Applicants’ representative and the Examiner had an interview in which the prior art of record was discussed. The Examiner alluded to Table 130 of *Hubis* being considered storage media because it stores information. However, Applicants’ independent claims have been amended to specify that the storage media is shared storage media. In *Hubis* “Each logical volume 108 in the storage array is assigned or associated with a volume data structure 140, one element of which is a Volume WWN Table (VNT) 130.” Col. 8, lines 6-8. There is no teaching in *Hubis* that the tables are shared storage media. Accordingly, based upon the statement by the Examiner, Applicants hereby request that the rejection of claims 1, 8, 14, 15, and 18 under 35 U.S.C. §102(e) be removed.

#### **VI. Rejection of Claims 1, 8, 14, 15, and 18 Under 35 U.S.C. §102(e)**

In the Office Action of March 7, 2006, the Examiner assigned to the application rejected claims 1, 8, 14, 15, and 18 under 35 U.S.C. §102(e) as being anticipated by *Imamura*, U.S. Patent No. 6,453,369.

The remarks to *Imamura et al.* ('369) made in the Response to the First Office Action are hereby incorporated by reference.

In the Response to Amendment section of the Office Action dated March 7, 2006, the Examiner addresses Applicants arguments to the *Kitamura et al.* patent, but does not address Applicants arguments to the *Imamura et al.* patent.

The *Imamura et al.* patent ('369) pertains to controlling access to memory. More specifically, the invention concerns comparing a disk identifier with a memory identifier. "The device identifier recorded on the medium is compared with the device identifier of the storage device 1 in which the medium is currently loaded in order to determine whether the two device identifiers match." Col. 6, lines 8-11. Although *Imamura et al.* does teach that the identifier may be a serial number inherent to the disk device, see Col. 5, lines 8-10, Applicants' invention differs from that of *Imamura et al.* Applicants are establishing access rights of two or more nodes, *i.e.* hardware, to storage media, whereas, *Imamura et al.* determines access rights between a memory medium and storage media. The act of determining access rights between two or more nodes and storage media and a memory medium and storage media are two independent acts that are not necessarily substitutable. A memory medium is not a node. In order to apply a rejection under 35 U.S.C. §102(e), each element in the claim must be expressly or inherently taught. There is no teaching for determining access rights of a node. Accordingly, Applicants hereby request that the rejection of claims 1, 8, 14, 15, and 18 under 35 U.S.C. §102(e) be removed.

## **VII Conclusion**

There is no teaching in *Kitamura et al.*, *Hubis*, or *Imamura* for utilizing a hardware attribute of storage media in the form claimed by Applicants to control shared access to storage media. In order for the claimed invention to be anticipated under 35 U.S.C. §102(b), the prior art

must teach all claimed limitations presented by the claimed invention. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP §2131 (citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F. 2d 628, 631, 2 U.S.P.Q. 2d 1051, 1053 (Fed. Cir. 1987)). *Kitamura et al.*, *Hubis*, and *Imamura* each do not anticipate the invention of Applicants based upon the legal definition of anticipation since none of the references individually expressly or inherently teach each and every element as claimed by Applicants. Accordingly, Applicants respectfully request that the Examiner remove the rejection of claims 1, 3-5, 7, 8, 10-13, and 14-20.

Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. Accordingly, Applicants request that the Examiner indicate allowability of claims 1, 3-8, and 10-20, and that the application pass to issue. If the Examiner believes, for any reason, that personal communication will expedite prosecution of the application, the Examiner is hereby invited to telephone the undersigned at the number provided.

For the reasons outlined above, withdrawal of the rejection of record and an allowance of this application are respectfully requested.

Respectfully submitted,

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